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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

JANET STULL,) Case No.
)
Plaintiff,) COMPLAINT FOR VIOLATION
) OF FEDERAL FAIR DEBT
vs.) COLLECTION PRACTICES ACT
) AND INVASION OF PRIVACY
WASHINGTON COLLECTORS)	
TRI-CITIES, INC.,)
)
Defendant.)
_____)

I. NATURE OF ACTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington, Chapter 19.16, both of which prohibit debt collectors from engaging in abusive,

1 deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of
2 privacy by intrusion, ancillary to Defendant's collection efforts.
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4 5 **II. JURISDICTION**

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7 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

8 **III. PARTIES**

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10 3. Plaintiff, Janet Stull, is a natural person residing in the State of
11 Washington, County of Benton, and City of Richland.

12 4. Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. §
13 1692a(3), and a "debtor" as defined by RCW § 19.16.100(11).
14

15 5. At all relevant times herein, Defendant, Washington Collectors Tri-
16 Cities, Inc., ("Defendant") was a company engaged, by use of the mails and
17 telephone, in the business of attempting to collect a "debt" from Plaintiff, as
18 defined by 15 U.S.C. §1692a(5).
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21 6. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. §
22 1692a(6), and a "licensee," as defined by RCW § 19.16.100(9).
23

24 **IV. FACTUAL ALLEGATIONS**

25 7. At various and multiple times prior to the filing of the instant complaint,
26 including within the one year preceding the filing of this complaint, Defendant
27

1 contacted Plaintiff in an attempt to collect an alleged outstanding debt.
2 Defendant's conduct violated the FDCPA and RCW § 19.16 in multiple ways,
3 including but not limited to:
4

- 5 a. Repeatedly contacting Plaintiff at his/her place of employment after
6 being informed that such calls are inconvenient to Plaintiff and violate
7 the policy of Plaintiff's employer. In or about March/April, 2009,
8 Defendant successfully reached Plaintiff at her place of employment for
9 the first time. Plaintiff immediately informed Defendant that she would
10 be fired if Defendant continued to make personal phone calls to her
11 place of employment and asked Defendant to stop calling her at work.
12 Defendant did not stop, but called Plaintiff at least two more times
13 thereafter, reaching Plaintiff one of those times (§ 1692c(a)(1)(3));
- 14 b. Using false representations and deceptive practices in connection with
15 collection of an alleged debt from Plaintiff. In or around July, 2009,
16 Defendant called Plaintiff's place of employment and left a message
17 with the receptionist. Defendant told the receptionist that Defendant
18 needed to reach Plaintiff and that it was an "emergency," which
19 misrepresented the character of Defendant's call (§ 1692e(10));
- 20 c. Causing Plaintiff's telephone to ring repeatedly or continuously with
21 intent to harass, annoy or abuse Plaintiff. At least twice during the past
22 12 months, Plaintiff has ended a telephone call with Defendant, only to
23 be met with another telephone call within 15-30 minutes (§ 1692d(5));
- 24 d. Threatening to take an action against Plaintiff that cannot be legally
25 taken or that was not actually intended to be taken. On or about Oct. 1,
26 2009, Defendant's representative, "Ann," told Plaintiff that garnishment
27 of her paycheck would begin in 1 week if she did not pay the \$60 debt.
28 Desperate to avoid the garnishment, Plaintiff attempted to call
Defendant 4 times on Oct. 7, one day before the due date, but was
unable to get through. On Oct. 9, Defendant actually went to
Defendant's office to pay the debt in person, showing that she
understood the desperateness of the situation as stated by Defendant (§
1692e(5)).

8. Defendant's aforementioned activities, set out in paragraph 7, also constitute an intentional intrusion into Plaintiff's private places and into private matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable person. With respect to the setting that was the target of Defendant's intrusions, Plaintiff had a subjective expectation of privacy that was objectively reasonable under the circumstances.

9. As a result of Defendant's behavior, detailed above, Plaintiff suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and emotional distress.

**COUNT I: VIOLATION OF FAIR DEBT
COLLECTION PRACTICES ACT**

10. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

**COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY
ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON
CONSUMER PROTECTION ACT**

11. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered
against the Defendant for the following:

- A. Actual damages;
- B. Discretionary Treble Damages;
- C. Costs and reasonable attorney's fees,
- D. For such other and further relief as may be just and proper.

COUNT III: COMMON LAW INVASION OF PRIVACY BY INTRUSION

12. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered
against the Defendant for the following:

- A. Actual damages
- B. Punitive Damages; and,
- C. For such other and further relief as may be just and proper.

1 Respectfully submitted this 23rd day of December, 2009.

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3
4 s/Jon N. Robbins
5 Jon N. Robbins
6 WEISBERG & MEYERS, LLC
7 Attorney for Plaintiff
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